

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

JAMAR WILLIAMS,

Plaintiff,

v.

UNKNOWN O. FLYNN, Officer,  
Individual and official capacities, and  
UNKNOWN BERRYHILL, Officer,  
Individual and official capacities,

Defendants.

4:07CV3138

**MEMORANDUM  
AND ORDER**

This matter is before the court on its own motion. On June 14, 2007, the court entered an order that, among other things, directed Plaintiff to serve summons on Defendants no later than 120 days from the filing of the complaint, or by September 26, 2007. (Filing No. 4.) Plaintiff served Defendant Flynn with summons on August 15, 2007. (Filing No. 9.) Plaintiff attempted to serve a non-party, "Officer Mayberry," but that summons form was returned to Plaintiff because there is no party named Mayberry in this case. (Filing No. 6.) On October 9, 2007, Plaintiff was given 30 days to show cause why this matter should not be dismissed as to Defendant Berryhill. Plaintiff has not done so. Moreover, Plaintiff has never returned a completed summons form to the Clerk of the court for service on Defendant Berryhill, and Defendant Berryhill has not been served with summons. (*See* Docket Sheet.)

IT IS THEREFORE ORDERED that:

1. All claims against Defendant Unknown Berryhill are dismissed without prejudice.
2. A separate progression order will be entered in this case.

December 4, 2007.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge